

3. Since filing this lawsuit on June 30, 2011, DSIC has incurred liquidated losses of \$1,241,384.10 and \$45,946.37 in expenses which total \$1,287,330.47 in losses under the surety bonds. *See* Affidavit of James W. Kisner, attached as **Exhibit A**.

4. DSIC seeks entry of a judgment amount against the Defendants in the amount \$1,287,330.47 and ordering the Defendants to post \$591,588.53 in collateral with DSIC (this amount represents the original demand to post \$1,878,919.00 in collateral when the lawsuit was filed minus the \$1,287,330.47 loss.) A proposed Judgment Order is attached as **Exhibit B**.

WHEREFORE, Developers Surety and Indemnity Company pray for entry of judgment against the Defendants Kipling Homes, L.L.C. and Edward C. Mattox in the amount of \$1,287,330.47 and ordering the Defendants to post an additional \$591,588.53 in collateral with DSIC.

DATED: September 19, 2011

Respectfully submitted,

**DEVELOPERS SURETY AND
INDEMNITY COMPANY**

By: /s/ Michael J. Dudek
One of its attorneys

T. Scott Leo
Michael J. Dudek
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Chicago, Illinois 60602
Telephone: (312) 857-0910

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2011 I caused copies of **Motion Prove-Up and Entry of Judgment** to be filed pursuant to the Federal Rules of Civil Procedure and Local Rules with the Clerk of the United States District Court, Northern District of Illinois, using the CM/ECF system. Copies will be served by certified mail by depositing copies of the same, at One North LaSalle Street, Chicago, Illinois, with proper postage pre-paid, upon the following:

KIPLING HOMES, LLC
R.A.: Pasquale Selvaggio
611 W. Jefferson St., Ste 201
Shorewood, Illinois 60431

Edward C. Mattox
24844 Lake Forrest Lane
Shorewood, Illinois 60431

/s/ Michael J. Dudek
One of his Attorneys

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